

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

CIVIL ACTION NO. 1:11-cv-02365-KBF
CIVIL ACTION NO. 1:11-cv-02648-KBF

SAP AG and SAP AMERICA, INC.,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

**DATATERN, INC.'S RESPONSES TO
MICROSOFT CORP.'S RULE 56.1 STATEMENT OF MATERIAL FACTS
AS TO WHICH MICROSOFT CONTENDS
THERE IS NO GENUINE ISSUE TO BE TRIED
AND
DATATERN'S COUNTERSTATEMENT OF FACTS**

**Contains confidential information
Subject to Protective Order**

FILED UNDER SEAL